

Senate Study Bill 3025 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

A BILL FOR

1 An Act relating to the attendance of a child at juvenile court
2 hearings or meetings during the pendency of a child in need
3 of assistance case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.91, subsection 3, Code 2009, is
2 amended to read as follows:

3 3. Any person who is entitled under section 232.88 to
4 receive notice of a hearing concerning a child shall be given
5 the opportunity to be heard in any other review or hearing
6 involving the child. A foster parent, relative, or other
7 individual with whom a child has been placed for preadoptive
8 care shall have the right to be heard in any proceeding
9 involving the child. ~~If a child is of an age appropriate to
10 attend the hearing but the child does not attend, the court
11 shall determine if the child was informed of the child's right
12 to attend the hearing.~~

13 Sec. 2. Section 232.91, Code 2009, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 4. If a child is of an age appropriate
16 to attend a hearing but the child does not attend, the court
17 shall determine if the child was informed of the child's right
18 to attend the hearing. A presumption exists that it is in the
19 best interests of a child fourteen years of age or older to
20 attend all hearings and all staff or family meetings involving
21 placement options or services provided to the child. The
22 department shall allow the child to attend all such hearings
23 and meetings unless the department finds the child's attendance
24 is not in the best interests of the child. If the child is
25 excluded from attending a hearing or meeting, the department
26 shall maintain a written record detailing the reasons for
27 excluding the child. Notwithstanding sections 232.147 through
28 232.151, a copy of the written record shall be made available
29 to the child upon the request of the child after reaching the
30 age of majority.

31 EXPLANATION

32 This bill relates to the attendance of a child at juvenile
33 court hearings or meetings during the pendency of a child in
34 need of assistance case.

35 The bill creates a presumption that it is in the best

1 interests of a child 14 years of age or older to attend all
2 hearings and all staff or family meetings related to placement
3 options or services during the pendency of a child in need of
4 assistance case involving the child.

5 The bill requires the department of human services to allow
6 the child to attend all such hearings and meetings unless the
7 department finds the child's attendance is not in the best
8 interests of the child. The bill also requires the department
9 of human services to maintain a written record detailing the
10 reasons for excluding the child from a hearing or meeting and,
11 notwithstanding confidentiality provisions in Code sections
12 232.147 through 232.151, a copy of the written record shall be
13 made available to the child upon the request of the child after
14 reaching the age of majority.